

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAM J. NEALON FEDERAL BLDG. & U.S. COURTHOUSE
235 N. WASHINGTON AVE., P.O. BOX 856
SCRANTON, PA 18501-0856
Chambers_of_Judge_Edwin_M._Kosik@pamd.uscourts.gov

EDWIN M. KOSIK
JUDGE

TEL. (570) 207-5730
FAX (570) 207-5739

August 23, 2007

Michael Curtis Reynolds
Lackawanna County Prison
1371 North Washington Avenue
Scranton, PA 18509

RE: *United States v. Michael Reynolds*
MDPA; Criminal No. 3:CR-05-493

Dear Mr. Reynolds:

In my letter of this date, I failed to notice that on July 20, 2007 you filed a motion for a new trial claiming new evidence and that you were deprived the right to summon witnesses or denied the right to have witnesses testify on your behalf.

You may recall that during the trial, I approached your former wife and children who were in the courtroom. I assumed that they might be there to testify on your behalf. Instead, they proceeded to leave the courtroom and you seemed to indicate that you had met with them and knew that they were leaving.

As to new evidence, if any, a motion for a new trial on that basis must be accompanied by the evidence and a reason why it is new evidence and could not have been available to you during the trial. According, I am denying your motion for a new trial without prejudice.

Finally, you have a motion for stay of sentence pending appeal on constitutional matters. As noted above, your appeal on those matters cannot be ripe until after sentencing. Accordingly, that motion is denied as well.

Of course, it may be just as prudent for you to raise these issues in the Circuit Court along with the constitutional issues which may be more appropriately taken up before them.

Sincerely,

s/Edwin M. Kosik
United States District Judge

EMK:mb
cc: David Cherundolo, Esquire